Pellegrino, Rachel

From: TMFeedback
Sent: Wednesday, February 02, 2011 7:31 AM
To: Brown, Brian (TM); Hickey, Toni
Cc: Pellegrino, Rachel
Subject: FW: Small Business Study
Attachments: USPTO77878121LetterofProtestforSPRINKLERCOZY.pdf; image003.jpg

We have not had a submission since January 20th, but here is the latest one.

From: Roger A. Jackson [roger@jacksonesquire.com]
Sent: Tuesday, February 01, 2011 11:31 PM
To: TMFeedback
Subject: Small Business Study

Dear All,

Please see attachment for the specifics of this case.

I am a practitioner for over 12 years in patents and trademarks and have done 100's of trademarks, the above case was my only opposition as I am careful with searching and to advise clients to stay away from anything well known in the trademark area. So on this case we thought that there was no goods distribution cross over between industrial pipe insulation and beverage can insulators and the marks while somewhat close still had different sounds and meanings.

When we received the opposition we consulted a TTAB expert and was told it would cost $50K to fight this, well of course for a starting business this is an unthinkable expense to fight for a name you are just starting with, as the client has trouble understanding that if the USPTO trademark examiner had already approved the mark, how could KOOZIE come along being a "bully" so to speak and kill it, knowing that it is just not economically feasible for a small startup business to spend $50K to keep the name, even though the TTAB expert indicated that we had a very strong case to overcome the opposition.

My point in all this is, that there needs to be a modified opposition procedure that is much less involved and costly, as in the above case my client and KOOZIE are nowhere near being competitors and I would have a hard time seeing that KOOZIE is a famous mark (being known outside of their class or nationwide) to justify blocking trademark registrations on different goods.

Thanks for your consideration on this.

Regards,
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